

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE:  
LARRY PAUL OSBORNE, II**

**CHAPTER 13 CASE NO.:  
19-10879-JDW**

**OBJECTION TO CONFIRMATION**

COMES NOW the Chapter 13 Trustee, Locke D. Barkley (the “Trustee”), by and through counsel, after conducting the Section 341(a) Meeting of Creditors, reviewing the Petition, Schedules, and Statement of Financial Affairs, and files this Objection to Confirmation (the “Objection”), and in support thereof states as follows:

1. The Debtor commenced this proceeding by filing a Voluntary Petition on March 1, 2019 (the “Petition Date”). The Debtor filed a proposed Chapter 13 Plan (Dkt. #2) (the “Plan”) on the Petition Date.

2. The Debtor is above median income and the proposed term of the Plan is sixty (60) months. The Plan provides for a one-hundred percent (100%) distribution to nonpriority unsecured creditors and the liquidation value is \$21,292.80.

3. The Plan fails to comply with 11 U.S.C. § 1325(a)(1). The Debtor has \$4,000.00 of non-exempt cash (the “Non-Exempt Cash”) that was transferred to counsel for the Debtor, who deposited the Non-Exempt Cash into his trust account, on or following the Petition Date. The Trustee submits that the Non-Exempt Cash is property of the estate and must be turned over to the Trustee pursuant to 11 U.S.C. § 542(a) for disbursement to nonpriority unsecured creditors. To date, the Debtor has failed and/or refused to turn the Non-Exempt Cash over to the Trustee for administration.

4. The Debtor should timely remit all plan payments due under the Plan prior to the hearing or the case should be dismissed for failure to comply with the proposed Plan.

5. For the reasons set forth herein, the Trustee submits that Confirmation of the Plan should be denied and the case dismissed.

WHEREFORE, PREMISES CONSIDERED, the Trustee respectfully requests that upon notice and hearing that this Court enter its order sustaining the Objection. The Trustee prays for other such general and specific relief to which Trustee and this bankruptcy estate may be entitled.

Dated: May 6, 2019.

Respectfully submitted,

**LOCKE D. BARKLEY**  
**CHAPTER 13 TRUSTEE**

BY: /s/ Melanie T. Vardaman  
ATTORNEYS FOR TRUSTEE  
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**CERTIFICATE OF SERVICE**

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: May 6, 2019.

/s/ Melanie T. Vardaman  
MELANIE T. VARDAMAN